

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:00CR3009
v.)	
)	
GENARO FAVALA RAMIREZ,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Defendant has filed a motion for bill of particulars. The government has not opposed the motion. I conclude that the motion should be granted in substantial part.

Defendant has also moved for release to treatment, and the government does oppose that motion, but did not comply with the local rules concerning the filing of evidence in respect to a motion. See NECrimR 12(c)(2); I shall not consider the evidence attached to the government's brief. I have considered the motion, the government's response to it, the defendant's reply, the pretrial services report, and the records of the case. The motion seeks to place the defendant with a third-party custodian, but the defendant has no knowledge of where the suggested person resides, so the pretrial services officer could not investigate that matter. Because the information before me establishes that the defendant poses a serious risk of flight or nonappearance, I shall deny the motion for release.

IT THEREFORE HEREBY IS ORDERED,

1. The motion for bill of particulars, filing 20, is granted in part, and the government shall, within ten days, file a bill of particulars setting forth the names of all persons known or alleged to be co-conspirators, and the specific acts--including dates, times, places, identification and amounts of any

and all controlled substances involved, persons present, and actions taken by each--that the government will attempt to prove at trial.

2. The defendant's motion for release, filing 15, is denied.

DATED this 31st day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge